

REMARKS

Claims 21-24 and 28-33 are pending in this application. Claims 15-27 stand rejected. By this Amendment, claim 21 has been amended, claims 15-20 and 25-27 have been canceled without prejudice, and new claims 28-33 have been added. No new matter has been added. The amendments made to the claims do not alter the scope of these claims, nor have these amendments been made to define over the prior art. Rather, the amendments to the claims have been made to improve the form thereof. In light of the amendments and remarks set forth below, Applicant respectfully submits that each of the pending claims is in immediate condition for allowance.

The Office Action objects to the abstract. Applicant submits herewith a revised abstract. Therefore, Applicant respectfully requests reconsideration and withdrawal of the objection.

Claims 16, 17, 21, and 25 stand objected to and rejected under 35 U.S.C. § 112. Applicant has amended claim 21 to overcome the Examiner's rejection and canceled the remaining claims. Therefore, the rejection is moot with respect to those claims and Applicant respectfully requests withdrawal of the rejection with respect to claim 21.

Claims 21-23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,183,031 ("Rossoff"). Applicant respectfully requests reconsideration and withdrawal of this rejection.

Among the limitations of independent claim 21 not present in the cited reference is "a channel provided so that a treatment instrument extends out from a distal open end provided on the distal portion, and wherein a proximal open end for inserting the treatment instrument into the channel is provided on a grip end of the grip portion."

As is clear from Figure 1 in Rossoff, the lower end of the pistol grip 24 does not have a channel as explicitly recited in Applicant's claims that includes a structure in which the forceps-port constructing member 14 and the forceps-port 11 are provided on the grip end of a grip portion 7 as shown in Figure 15 of the present invention and explicitly recited and claimed in claim 21. Therefore, Rossoff fails to anticipate the present invention and claim 21 is allowable over the cited reference.

Claims 21-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Grabover in view of Salvati and Ebling.

The combination of Grabover, Salvati and Ebling fails to disclose "a channel provided so that a treatment instrument extends out from a distal open end provided on the distal portion, and wherein a proximal open end for inserting the treatment instrument into the channel is provided on a grip end of the grip portion."

Whether taken individually or in combination, Grabover, Salvati, Ebling and Green do not provide a structure in which a forceps-port constructing member 14 and a forceps port 11 are provided on the grip end of a portion 7 as shown in Fig. 15 of the present invention. Therefore, Applicant respectfully submits that claims 21-23 are allowable over the cited combination.

Applicant has responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

Application No.: 10/658,381

Docket No.: S0530.0006

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

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Respectfully submitted,

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